



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for PERMIT APPLICATION**

Issue Date: July 8, 2008

Expiration Date: August 7, 2008

Corps of Engineers Action ID: NWP-2008-337

**30 Day Notice**

Oregon Department of State Lands Number: APP0040653

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Jaimee W. Hammit)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** ODOT – Region 2

**Location:** I-5 at Kuebler Interchange in Salem, Marion County, Oregon (SE ¼ of Section 12, Township 8 South, Range 3 West)

**Project Description:** ODOT proposes to modify the I-5/Kuebler interchange to add an on-ramp onto I-5 northbound for traffic heading west on Kuebler Boulevard from the direction of the Mill Creek Corporate Center.

The proposed project will impact a 1.21-acre wetland in its entirety. ODOT proposes to mitigate for the wetland impacts by purchasing 1.21 acres of wetland mitigation bank credits from the Mud Slough Mitigation Bank.

If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Purpose:** Anticipated off-site development at the Mill Creek Corporate Center east of Kuebler Road between Turner Road and Highway 22 is expected to cause substantial operational impact to the existing Kuebler interchange. Therefore, ODOT proposes to modify the existing I-5/Kuebler interchange to alleviate potential congestion.

**Drawing(s):** Five (5) drawings are attached.

**Additional Information:** Additional information may be obtained from Ms. Jaimee W. Hammit, U.S. Army Corps of Engineers at (503) 808-4390.

**Authority:** This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity will not affect endangered species or critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

**Cultural Resources:** An evaluation of the proposed project area indicates that the described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. The proposed work is of such limited nature and extent that little likelihood exists for the proposed project to affect an unrecorded historic property or any other type of cultural resource. The applicant has been in contact/coordinated with the State Historic Preservation Office (SHPO), the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of the Siletz Indians and the Confederated Tribes of the Warm Springs.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

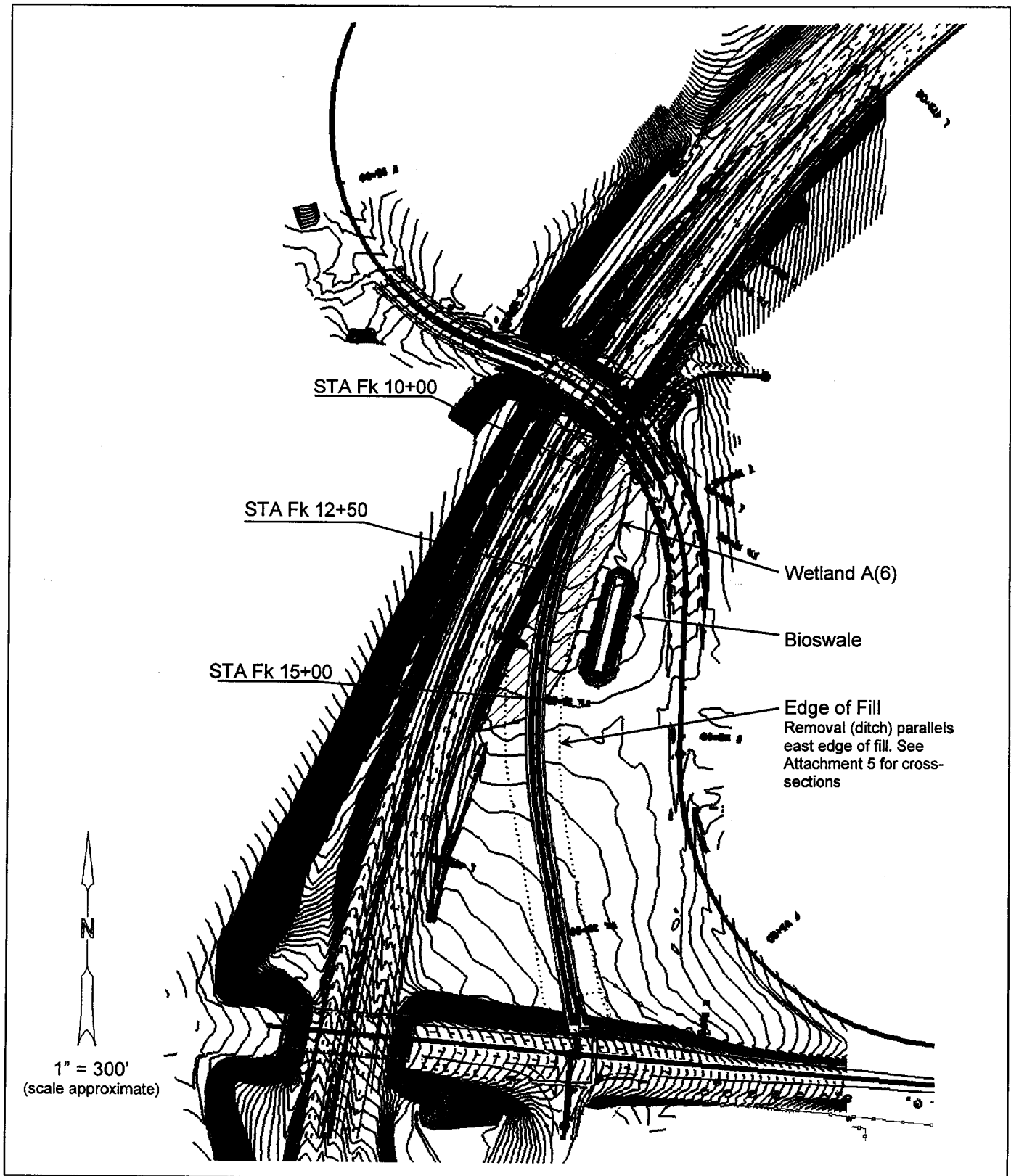


**Attachment 3**

Aerial Photo (Predates construction of existing bioswale adjacent to wetland.)

K14054: I-5 Kuebler Interchange Improvements  
I-5 MP 252; Section 12 of T8S, R3W, W.M





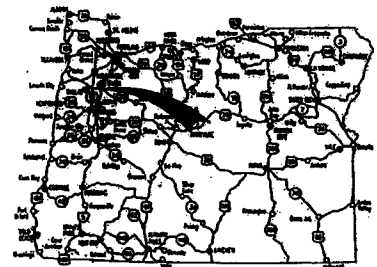
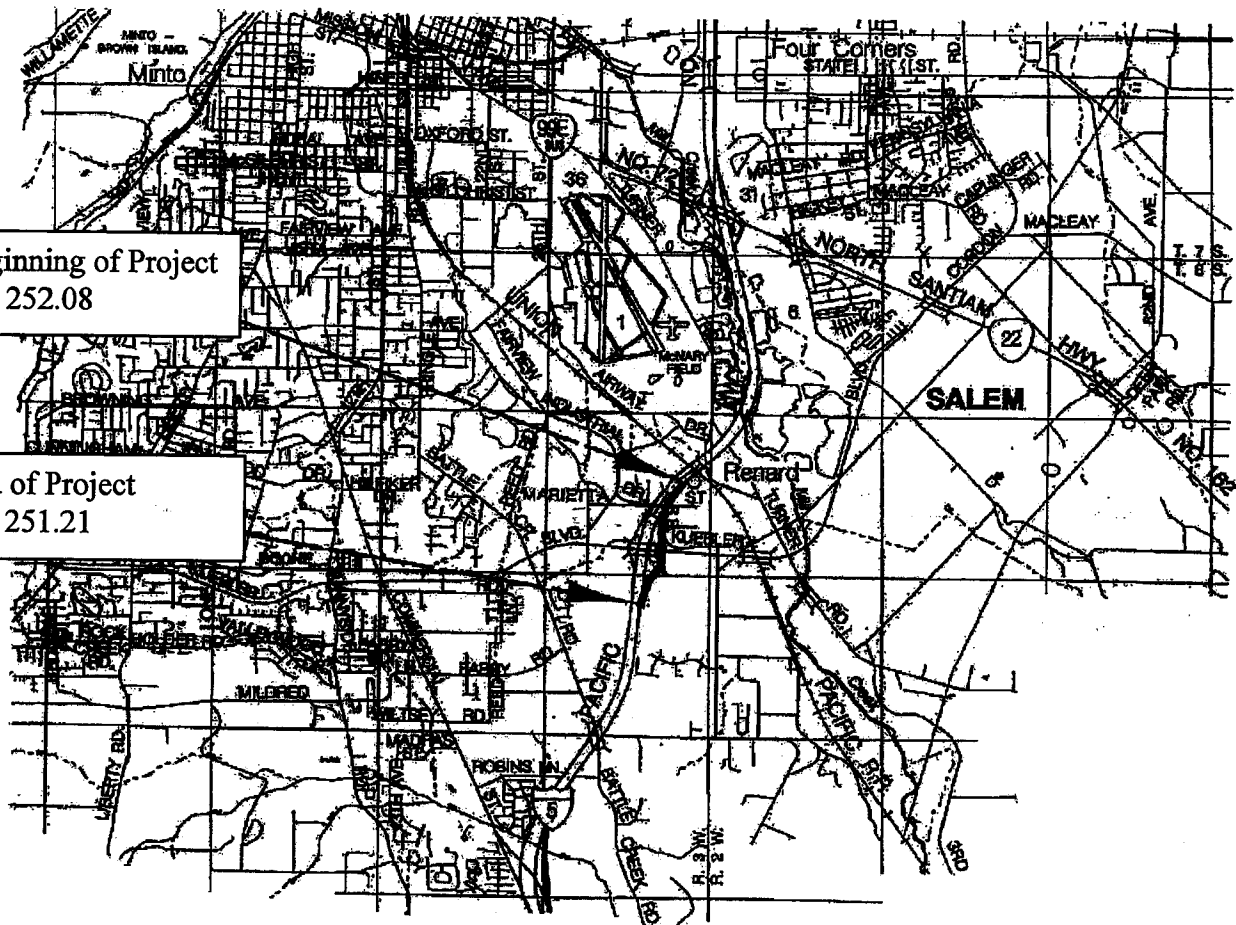
**Attachment 4**

Plan View Drawing

K14054: I-5 Kuebler Interchange Improvements

I-5 MP 252

Section 12 of T8S, R3W, W.M



T. 8 S., R. 3 W., W.M.

### Attachment 1

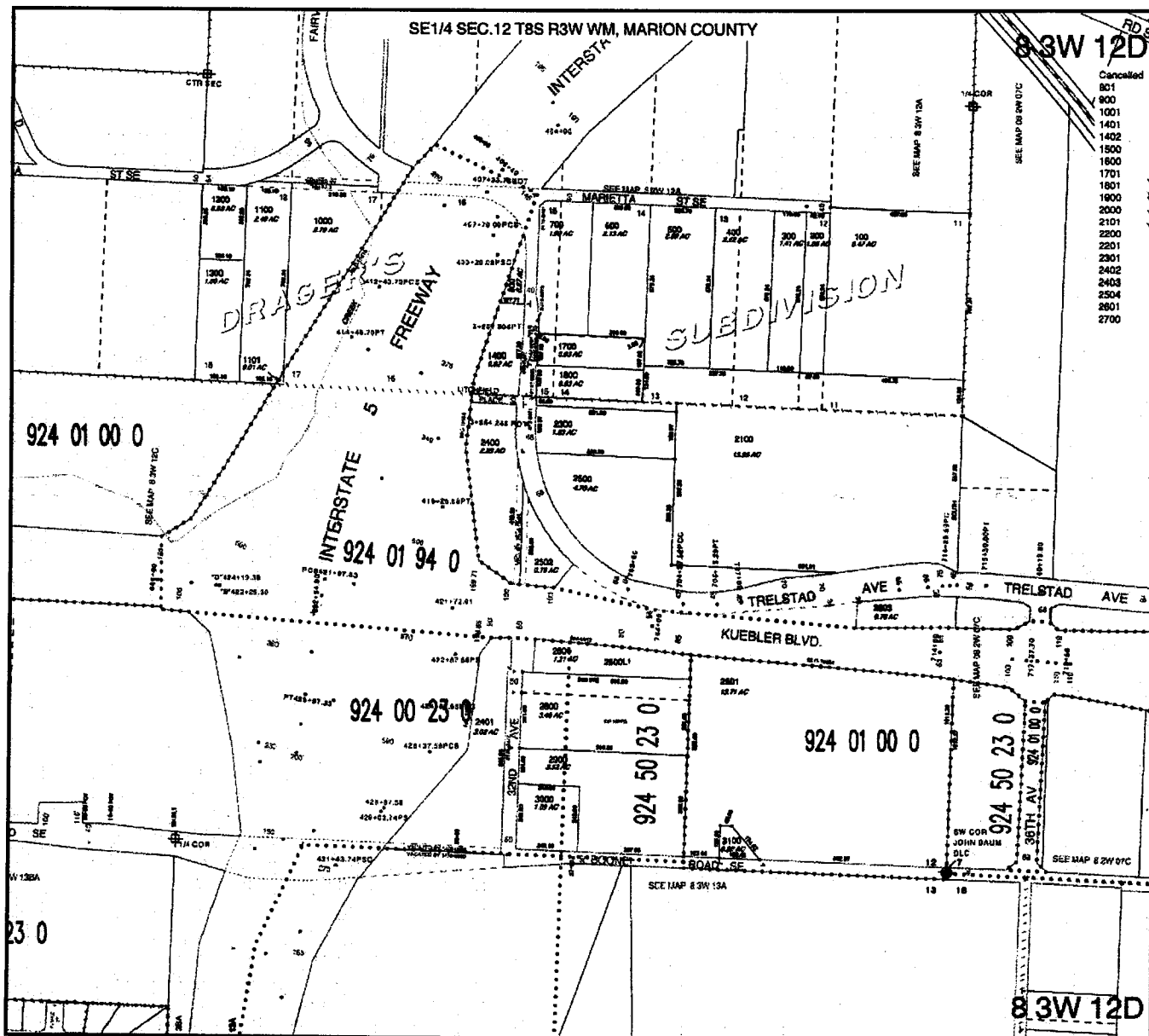
#### Vicinity Map

K14054: I-5 Kuebler Interchange Improvements

I-5 MP 252

Section 12 of T8S, R3W, W.M



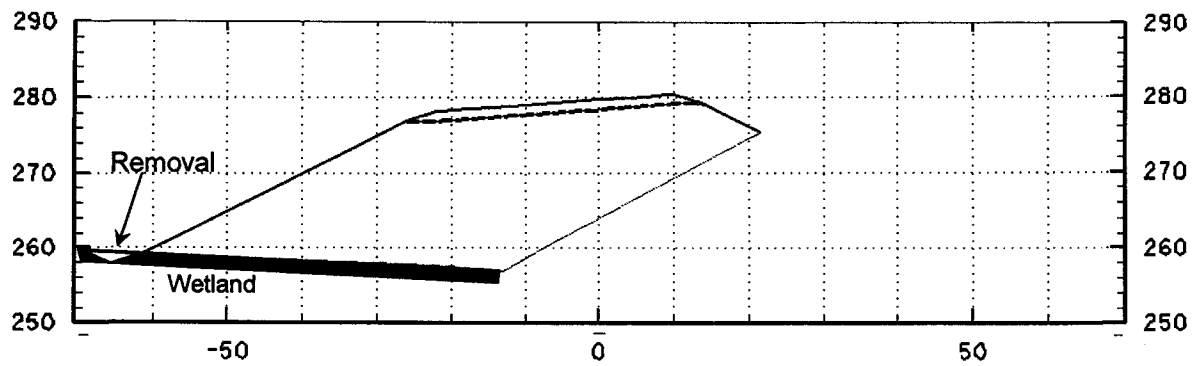


## Attachment 2

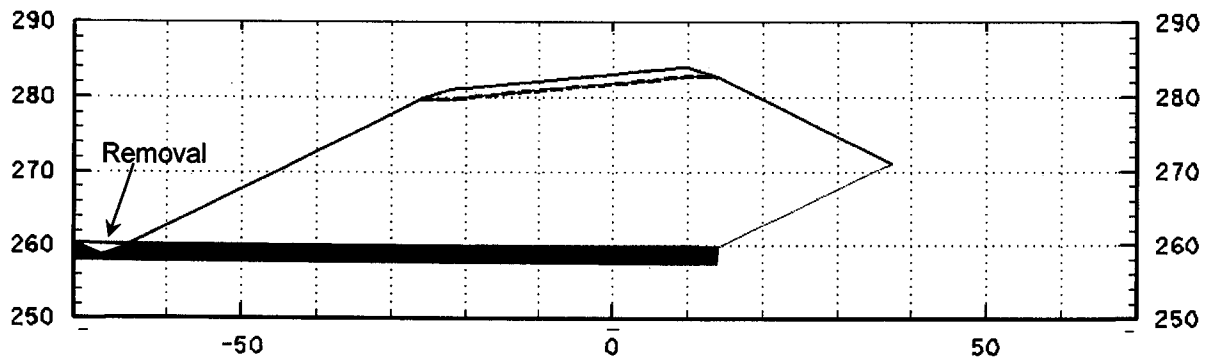
### Tax Lot Map

K14054: I-5 Kuebler Interchange Improvements  
 I-5 MP 252  
 Section 12 of T8S, R3W, W.M

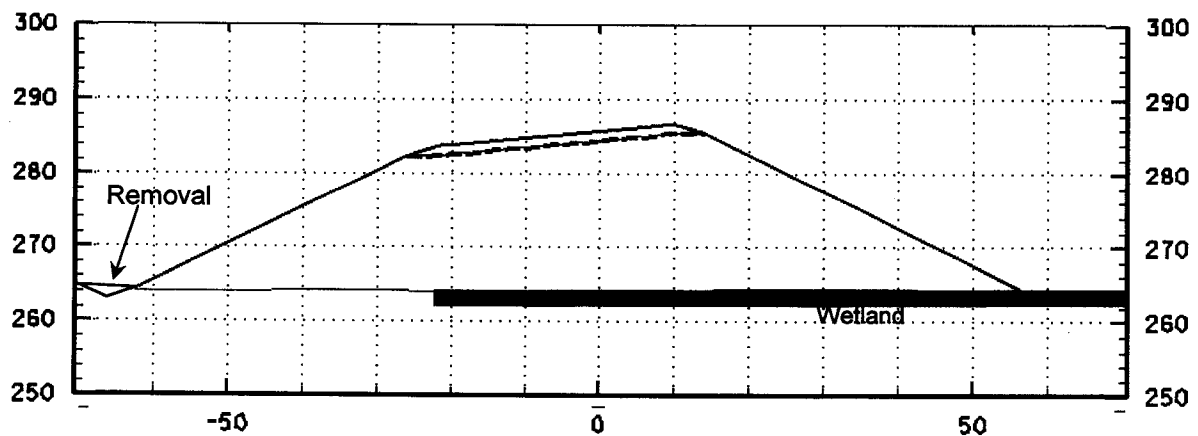




STA Fk 10+00.00



STA Fk 12+50.00



STA Fk 15+00.00

### **Attachment 5**

#### **Cross Sections**

K14054: I-5 Kuebler Interchange Improvements

I-5 MP 252

Section 12 of T8S, R3W, W.M





**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: NWP-2008-337  
Oregon Department of State Lands Number: APP0040653

Notice Issued: July 8, 2008  
Written Comments Due: August 7, 2008

**WHO IS THE APPLICANT:** ODOT - Region 2

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator at (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0032 (2) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on August 7, 2008. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Water Quality Certification Coordinator, Northwest Region, 2020 S.W. 4th Avenue, Portland, Oregon 97201-4953 or faxed to (503) 229-6957. ***People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.*** People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us). Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Office of Communications and Outreach at (503) 229-5317 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.